

FILED

OCT -2 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ST. MICHAEL D. BALZARINI,

Plaintiff,

v.

DR. W. ULIT, et al.,

Defendants.

No. C 13-01486 BLF (PR)

**ORDER ADDRESSING PENDING
MOTION**

(Docket No. 52)

Plaintiff Mr. Michael D. Balzarini, a state prisoner, filed the instant civil rights action in *pro se* pursuant to 42 U.S.C. § 1983, against a prison medical official, Dr. Chudy.¹ Plaintiff was granted leave to proceed *in forma pauperis* (“IFP”) at the outset of this action. (Docket No. 5.) On September 15, 2014, the Court granted Defendant’s motion to revoke Plaintiff’s IPF status under 28 U.S.C. § 1915(g). (Docket No. 49.) Plaintiff was granted fourteen days to pay the full filing fee to avoid dismissal of the case without prejudice. (*Id.*) Thereafter, the Court denied Plaintiff’s motion for an exception to the IFP revocation, and directed Plaintiff to pay the filing fee by October 6, 2014.

¹The third amended complaint, (Docket No. 10), is the operative complaint in this matter.

1 (Docket No. 51.)

2 Plaintiff has filed a "Re-hearing and Notice of Motion and Motion Appealing Final
3 Judgment: 28 U.S.C. § 1291." (Docket No. 52.) The motion was addressed to this
4 Court, but the § 1291 citation indicates that Plaintiff intends to appeal the decision of this
5 Court to the United States Court of Appeals.

6 Accordingly, the Clerk shall terminate the motion, and send a copy of Plaintiff's
7 motion to the Ninth Circuit Court of Appeals as a courtesy to Plaintiff.

8 This order terminates Docket No. 52.

9 **IT IS SO ORDERED.**

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11 DATED: Oct 2, 2014


12 BETH LABSON FREEMAN
13 United States District Judge
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